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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,850	07/20/2006	Hidekazu Kimura	Q96083	3460
23373	7590	10/04/2007		
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER MARTIN, ANGELA J	
			ART UNIT	PAPER NUMBER
			1745	
			MAIL DATE	DELIVERY MODE
			10/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/586,850

Applicant(s)

KIMURA ET AL.

Examiner

Angela J. Martin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/20/06.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Misawa, U.S. Pat. Application Pub. 2006/0154132 A1.

Rejection of claims 1-10 drawn to a fuel cartridge.

Misawa teaches a fuel cartridge for a fuel cell, that is stored with liquid fuel to be supplied to a fuel electrode in the fuel cell and that is attachable and detachable to/from said fuel cell, is characterized in that the fuel cartridge comprises: a fuel storage chamber whose an inner surface is made of resin that is resistant to said liquid fuel; a case that contains said fuel storage chamber internally and that is made of impact-resistant resin; and a fuel supply part that is connected to said fuel storage chamber and that supplies said liquid fuel to said fuel cell (0081). The fuel cartridge for the fuel cell according to claim 1 is characterized in that said inner surface of said fuel storage chamber is made of alcohol-resistant resin (0072). The fuel cartridge for the fuel cell according to claim 1 or 2 is characterized in that said fuel storage chamber is made of a bag-shaped member that is made of a flexible resin material (0081). The fuel cartridge

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for the fuel cell according to claim 1 or 2 is characterized in that said fuel storage chamber and said case are jointly integrated (Fig. 5). The fuel cartridge for the fuel cell according to claim 1 or 2 is characterized in that a cushioning member is arranged between said fuel storage chamber and said case (0072). The fuel cartridge for the fuel cell according to claim 5 is characterized in that said cushioning member includes one material or two or more materials from among natural rubber, isoprene rubber, butadiene rubber, styrene-butadiene rubber, chloroprene rubber, acrylonitrilebutadiene rubber, silicone rubber, butyl rubber, urethane rubber, ethylene propylene rubber, ethylene-vinyl acetate copolymer, foamed polyurethane, silicone gel, and styrene gel (0072). The fuel cartridge for the fuel cell according to claim 1 or 2 is characterized in that the fuel cartridge comprises a pressure adjustment member for adjusting an inner pressure of said fuel storage chamber (0083; 0086). The fuel cartridge for the fuel cell according to claim 7 is characterized in that said pressure adjustment member includes a gas-liquid separation film (0012; 0030; 0036). The fuel cartridge for the fuel cell according to claim 1 or 2 is characterized in that the fuel cartridge comprises a vent that passes through said case (0070; 0095). A fuel cell is characterized in that the fuel cell comprises a fuel cell main body having a fuel electrode and a fuel cartridge for the fuel cell according to claim 1 or 2, which is stored with liquid fuel to be directly supplied to said fuel electrode (0078).

Thus, the claims are anticipated.

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3. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Hirotaka et al., JP 2005-071713.

Hirotaka et al., teach a fuel cartridge for a fuel cell, that is stored with liquid fuel to be supplied to a fuel electrode in the fuel cell and that is attachable and detachable to/from said fuel cell, is characterized in that the fuel cartridge comprises: a fuel storage chamber whose an inner surface is made of resin that is resistant to said liquid fuel (0018); a case that contains said fuel storage chamber internally and that is made of impact-resistant resin (0007, 0008); and a fuel supply part that is connected to said fuel storage chamber and that supplies said liquid fuel to said fuel cell (0001). The fuel cartridge for the fuel cell according to claim 1 is characterized in that said inner surface of said fuel storage chamber is made of alcohol-resistant resin (0019). The fuel cartridge for the fuel cell according to claim 1 or 2 is characterized in that said fuel storage chamber is made of a bag-shaped member that is made of a flexible resin material (Fig. 5). The fuel cartridge for the fuel cell according to claim 1 or 2 is characterized in that said fuel storage chamber and said case are jointly integrated (Fig. 5). The fuel cartridge for the fuel cell according to claim 1 or 2 having cushioning member arranged between fuel storage chamber and case (0033). The fuel cartridge for the fuel cell according to claim 5 is characterized in that said cushioning member includes one material or two or more materials from among natural rubber, isoprene rubber, butadiene rubber, styrene-butadiene rubber, chloroprene rubber, acrylonitrilebutadiene rubber, silicone rubber, butyl rubber, urethane rubber, ethylene propylene rubber, ethylene-vinyl acetate copolymer, foamed polyurethane, silicone gel,

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and styrene gel (0019)l. The fuel cartridge for the fuel cell according to claim 1 or 2 is characterized in that the fuel cartridge comprises a pressure adjustment member for adjusting an inner pressure of said fuel storage chamber (0013). The fuel cartridge for the fuel cell according to claim 7 is characterized in that said pressure adjustment member includes a gas-liquid separation film (0027). The fuel cartridge for the fuel cell according to claim 1 or 2 is characterized in that the fuel cartridge comprises a vent that passes through said case (0033). A fuel cell is characterized in that the fuel cell comprises a fuel cell main body having a fuel electrode and a fuel cartridge for the fuel cell according to claim 1 or 2, which is stored with liquid fuel to be directly supplied to said fuel electrode (0015).

Thus, the claims are anticipated.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Adams et al., U.S. Pat. No. 7,172,825 B2, teach a fuel cartridge having a flexible liner containing insert.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela J. Martin whose telephone number is 571-272-1288. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


AJM